

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 294 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 administration.
- 4 Page 2, line 10, delete "IC 4-31-13-3.9" and insert "**IC 4-31-14**".
- 5 Page 2, line 11, delete "IC 4-33-10-2.9" and insert "**IC 4-33-16**".
- 6 Page 3, between lines 10 and 11, begin a new line block indented
- 7 and insert:
- 8 "**(1) If the person is a permit holder, during the following**
- 9 **periods:**".
- 10 Page 3, line 11, before "(1)" begin a new line double block indented.
- 11 Page 3, line 11, strike "(1)" and insert "**(A)**".
- 12 Page 3, line 12, before "(2)" begin a new line double block indented.
- 13 Page 3, line 12, strike "(2)" and insert "**(B)**".
- 14 Page 3, between lines 13 and 14, begin a new line block indented
- 15 and insert:
- 16 "**(2) If the person is a person considered to have an interest in**
- 17 **a permit holder under subsection (f), during the following**
- 18 **periods:**
- 19 **(A) The period during which the person is considered to**
- 20 **have an interest in the permit holder under subsection (f).**
- 21 **(B) The three (3) years following the date the person ceases**
- 22 **to have an interest in the permit holder under subsection**
- 23 **(f).**".
- 24 Page 3, delete lines 27 through 42, begin a new paragraph and

1 insert:

2 "SECTION 4. IC 4-31-14 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:

5 **Chapter 14. Reporting Ownership Interests by Permit Holders**

6 **Sec. 1. The definitions in IC 4-31-13-3.5 apply throughout this**
7 **chapter.**

8 **Sec. 2. As used in this chapter, "prohibited period" means the**
9 **period during which a person may not make a contribution under**
10 **IC 4-31-13-3.5.**

11 **Sec. 3. Each year, a permit holder shall report to the**
12 **commission the following information relating to each person that**
13 **at any time during the previous calendar year was considered to**
14 **have an interest in the permit holder under IC 4-31-13-3.5:**

- 15 (1) **The name of the person.**
- 16 (2) **The mailing address of the person.**
- 17 (3) **The date on which the person no longer had an interest in**
18 **the permit holder, if the person ceased to have an interest in**
19 **the permit holder during the previous calendar year.**
- 20 (4) **Other information required by the commission's rules.**

21 **Sec. 4. The commission's rules shall require a permit holder to**
22 **update information required by section 3 of this chapter.**

23 **Sec. 5. The commission shall prescribe the form of the reports**
24 **required by this chapter.**

25 **Sec. 6. (a) The commission shall compile the reports of permit**
26 **holders filed under this chapter. The compiled report must satisfy**
27 **the following:**

- 28 (1) **The report must identify each permit holder.**
- 29 (2) **The report must identify each person that has an interest**
30 **in a permit holder.**
- 31 (3) **The report must be easily searchable to determine whether**
32 **a particular person is a permit holder or a person who has an**
33 **interest in the permit holder.**
- 34 (4) **For each permit holder and person who has an interest in**
35 **the permit holder, the report must indicate the expiration date**
36 **of the prohibited period for the permit holder or person who**
37 **has an interest in the permit holder.**
- 38 (5) **The information relating to a person on the report must be**
39 **maintained on subsequent reports until after the expiration**
40 **date for the person.**

41 **(b) The commission shall compile a report under this section:**

- 42 (1) **as required under rules adopted by the commission;**
- 43 (2) **in coordination with:**
 - 44 (A) **reports compiled under IC 4-33-16; and**
 - 45 (B) **the merged report made by the election division under**
46 **section 7 of this chapter; and**

(3) to permit candidates, committees, and the public to obtain accurate and current information regarding permit holders and persons who have an interest in a permit holder.

Sec. 7. (a) The commission shall send an electronic copy of each report compiled under section 6 of this chapter to the election division.

(b) The election division shall merge a report sent by the commission under this section with the most recent report sent to the election division by the Indiana gaming commission under IC 4-33-16.

(c) The commission, the election division, and the Indiana gaming commission shall cooperate to develop a uniform format for compiled and merged reports required by this chapter and IC 4-33-16.

(d) The election division shall make merged reports available to the general public through an on-line service.

Sec. 8. (a) Each report, compiled report, and merged report required by this chapter is a public record subject to public inspection and copying under IC 5-14-3.

(b) The commission and the election division shall provide paper copies of compiled and merged reports respectively to the public, subject to copying charges permitted by IC 5-14-3.

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to impose sanctions on a permit holder if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder has knowingly or intentionally done any of the following:

(1) Fails to file a report as required by this chapter or rules adopted under this chapter.

(2) Files an incomplete report as required by this chapter or rules adopted under this chapter.

(3) Makes a false statement in a report required by this chapter or rules adopted under this chapter.

(4) Fails to update a report as required by this chapter or filed under this chapter.

(5) Otherwise violates this chapter or rules adopted under this chapter.

(b) The commission shall impose sanctions on a permit holder or a person with an interest in a permit holder for each violation if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder or the person with an interest in a permit holder knowingly or intentionally has violated section 3.5 of this chapter.

(c) The rules adopted under this section may provided for imposition of any of the following sanctions:

(1) A civil penalty of not less than five thousand dollars

1 (\$5,000) and not more than five hundred thousand dollars
2 (\$500,000).

3 (2) Suspension of a permit holder's permit for a period of not
4 less than thirty (30) days.

5 (3) Revocation of a permit holder's permit.

6 (d) The commission's rules may provide that the severity of a
7 sanction may depend on any of the following:

8 (1) The nature of the violation as provided in the rules.

9 (2) The number of violations as provided in the rules.

10 (3) Other factors the commission considers just.

11 (e) The commission shall take action under this section
12 regardless of whether either of the following apply:

13 (1) The person to be sanctioned has not been prosecuted
14 under IC 4-31-13-3.5 or IC 4-31-13-3.7.

15 (2) The person to be sanctioned has been prosecuted under
16 IC 4-31-13-3.5 or IC 4-31-13-3.7 and has been found not guilty
17 of a crime under either of those statutes.

18 **Sec. 10. The commission may adopt rules under IC 4-22-2 to**
19 **implement this chapter."**

20 Delete pages 4 through 5.

21 Page 6, delete lines 1 through 27.

22 Page 8, between lines 14 and 15, begin a new line block indented
23 and insert:

24 **"(1) If the person is a licensee, during the following periods:"**

25 Page 8, line 15, before "(1)" begin a new line double block indented.

26 Page 8, line 15, strike "(1)" and insert "(A)".

27 Page 8, line 16, before "(2)" begin a new line double block indented.

28 Page 8, line 16, strike "(2)" and insert "(B)".

29 Page 8, between lines 17 and 18, begin a new line block indented
30 and insert:

31 **"(2) If the person is a person considered to have an interest in**
32 **a licensee under subsection (h), during the following periods:**

33 **(A) The period during which the person is considered to**
34 **have an interest in the licensee under subsection (h).**

35 **(B) The three (3) years following the date the person ceases**
36 **to have an interest in the licensee under subsection (h)."**

37 Page 8, delete lines 31 through 42, begin a new paragraph and
38 insert:

39 "SECTION 4. IC 4-33-16 IS ADDED TO THE INDIANA CODE
40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]:

42 **Chapter 16. Reporting Ownership Interests by Licensees**

43 **Sec. 1. The definitions in IC 4-33-10-2.1 apply throughout this**
44 **chapter.**

45 **Sec. 2. As used in this chapter, "prohibited period" means the**
46 **period during which a person may not make a contribution under**

1 **IC 4-33-10-2.1.**

2 **Sec. 3.** Each year, a licensee shall report to the commission the
 3 following information relating to each person that at any time
 4 during the previous calendar year was considered to have an
 5 interest in the licensee under IC 4-33-10-2.1:

- 6 (1) The name of the person.
 7 (2) The mailing address of the person.
 8 (3) The date on which the person no longer had an interest in
 9 the licensee, if the person ceased to have an interest in the
 10 licensee during the previous calendar year.
 11 (4) Other information required by the commission's rules.

12 **Sec. 4.** The commission's rules shall require a licensee to update
 13 information required by section 3 of this chapter.

14 **Sec. 5.** The commission shall prescribe the form of the reports
 15 required by this chapter.

16 **Sec. 6. (a)** The commission shall compile the reports of licensee
 17 filed under this chapter. The compiled report must satisfy the
 18 following:

- 19 (1) The report must identify each licensee.
 20 (2) The report must identify each person that has an interest
 21 in a licensee.
 22 (3) The report must be easily searchable to determine whether
 23 a particular person is a licensee or a person who has an
 24 interest in a licensee.
 25 (4) For each licensee and person who has an interest in the
 26 licensee, the report must indicate the expiration date of the
 27 prohibited period for the licensee or person who has an
 28 interest in the licensee.
 29 (5) The information relating to a person on the report must be
 30 maintained on subsequent reports until after the expiration
 31 date for the person.

32 **(b)** The commission shall compile a report under this section:

- 33 (1) as required under rules adopted by the commission;
 34 (2) in coordination with:
 35 (A) reports compiled under IC 4-31-14; and
 36 (B) the merged report made by the election division under
 37 section 7 of this chapter; and
 38 (3) to permit candidates, committees, and the public to obtain
 39 accurate and current information regarding licensees and
 40 persons who have an interest in a licensee.

41 **Sec. 7. (a)** The commission shall send an electronic copy of each
 42 report compiled under section 6 of this chapter to the election
 43 division.

44 **(b)** The election division shall merge a report sent by the
 45 commission under this section with the most recent report sent to
 46 the election division by the Indiana horse racing commission under

1 **IC 4-31-14.**

2 (c) The commission, the election division, and the Indiana
3 gaming commission shall cooperate to develop a uniform format
4 for compiled and merged reports required by this chapter and
5 **IC 4-31-14.**

6 (d) The election division shall make merged reports available to
7 the general public through an on-line service.

8 **Sec. 8. (a)** Each report, compiled report, and merged report
9 required by this chapter is a public record subject to public
10 inspection and copying under IC 5-14-3.

11 (b) The commission and the election division shall provide paper
12 copies of compiled and merged reports respectively to the public,
13 subject to copying charges permitted by IC 5-14-3.

14 **Sec. 9. (a)** The commission shall adopt rules under IC 4-22-2 to
15 impose sanctions on a licensee if the commission finds by a
16 preponderance of the evidence after a hearing conducted under
17 IC 4-21.5 that the licensee has knowingly or intentionally done any
18 of the following:

19 (1) Fails to file a report as required by this chapter or rules
20 adopted under this chapter.

21 (2) Files an incomplete report as required by this chapter or
22 rules adopted under this chapter.

23 (3) Makes a false statement in a report required by this
24 chapter or rules adopted under this chapter.

25 (4) Fails to update a report as required by this chapter or filed
26 under this chapter.

27 (5) Otherwise violates this chapter or rules adopted under this
28 chapter.

29 (b) The commission shall impose sanctions on a licensee or a
30 person with an interest in a licensee for each violation if the
31 commission finds by a preponderance of the evidence after a
32 hearing conducted under IC 4-21.5 that the licensee or the person
33 with an interest in a licensee knowingly or intentionally has
34 violated section 2.1 of this chapter.

35 (c) The rules adopted under this section may provided for
36 imposition of any of the following sanctions:

37 (1) A civil penalty of not less than five thousand dollars
38 (\$5,000) and not more than five hundred thousand dollars
39 (\$500,000).

40 (2) Suspension of a licensee's license for a period of not less
41 than thirty (30) days.

42 (3) Revocation of a licensee's license.

43 (d) The commission's rules may provide that the severity of a
44 sanction may depend on any of the following:

45 (1) The nature of the violation as provided in the rules.

46 (2) The number of violations as provided in the rules.

1 **(3) Other factors the commission considers just.**

2 **(e) The commission shall take action under this section**
 3 **regardless of whether either of the following apply:**

4 **(1) The person to be sanctioned has not been prosecuted**
 5 **under IC 4-33-10-2.1 or IC 4-33-10-2.9.**

6 **(2) The person to be sanctioned has been prosecuted under**
 7 **IC 4-33-10-2.1 or IC 4-33-10-2.9 and has been found not guilty**
 8 **of a crime under either of those statutes.**

9 **Sec. 10. The commission may adopt rules under IC 4-22-2 to**
 10 **implement this chapter."**

11 Delete pages 9 through 10.

12 Page 11, delete lines 1 through 25.

13 Page 13, delete lines 8 through 34, begin a new paragraph and
 14 insert:

15 **"SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in**
 16 **this SECTION, "commission" refers to the Indiana horse racing**
 17 **commission.**

18 **(b) Notwithstanding IC 4-31-14, as added by this act, the**
 19 **commission shall adopt emergency rules under IC 4-22-2-37.1**
 20 **before January 1, 2000 to implement IC 4-31-14, as added by this**
 21 **act.**

22 **(c) The commission shall cooperate with the Indiana gaming**
 23 **commission and the election division in adopting rules under this**
 24 **SECTION and in developing compiled and merged reports under**
 25 **IC 4-31-14, as added by this act.**

26 **(d) This SECTION expires July 1, 2000.**

27 **SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 28 **SECTION, "commission" refers to the Indiana gaming**
 29 **commission.**

30 **(b) Notwithstanding IC 4-33-16, as added by this act, the**
 31 **commission shall adopt emergency rules under IC 4-22-2-37.1**
 32 **before January 1, 2000 to implement IC 4-33-16, as added by this**
 33 **act.**

34 **(c) The commission shall cooperate with the Indiana horse**
 35 **racing commission and the election division in adopting rules**
 36 **under this SECTION and in developing compiled and merged**
 37 **reports under IC 4-33-16, as added by this act.**

38 **(d) This SECTION expires July 1, 2000."**

39 Renumber all SECTIONS consecutively.

(Reference is to ESB 294 as printed April 6, 1999.)

Representative Bauer